

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**Criminal No. 21-cr-00214-CVE**

JEFFREY BRENT THOMAS,

Defendant.

**UNOPPOSED MOTION TO CONTINUE NOVEMBER 2021 TRIAL**

Defendant Jeffrey Brent Thomas moves this Court to vacate and continue the trial of this matter now set on the November, 2021 trailing docket for at least sixty (60) days. As grounds for this motion, the Defendant states as follows:

1. On May 4, 2021, Defendant Jeffrey Brent Thomas was indicted and charged with two counts of Assaulting, Resisting, or Impeding a law enforcement officer, in violation of 18 U.S.C. §§ 111(a)(1) and 111(b), and one count of eluding/evading a law enforcement officer, in violation of Oklahoma Statutes § 540A(B) [Doc. 15], after originally having been charged by Criminal Complaint on April 6, 2021. [Doc. 1]

2. Undersigned counsel was appointed to represent Mr. Thomas on April 13, 2021. [Doc. 13]

3. This matter is currently scheduled for Jury Selection and Trial on the Court's November 2021 trailing docket (#26), and the pretrial conference is scheduled on November 9, 2021. [Doc. 28]

4. Counsel requires additional time to review and analyze the discovery provided by the Government, to investigate, research and develop potential defenses, and to potentially hire and prepare expert witnesses.

5. Additionally, defense counsel requests additional time to meet with Mr. Thomas to review and discuss the government's discovery and to discuss the issues relevant to any defenses, a possible pretrial resolution, and sentencing considerations. This process is expected to take at least sixty (60) days.

6. Further, Mr. Thomas is currently facing charges in the United States District Court for the Eastern District of Oklahoma but has not yet been appointed counsel for that matter. The Federal Public Defender has indicated that the Court is likely to appoint undersigned counsel to represent Mr. Thomas in that matter, and counsel has agreed to accept that appointment. However, logistical hurdles have not yet been entirely surpassed and those efforts remain in progress.

7. While the alleged conduct leading to the charges filed in the Eastern District is unrelated to the charges in this Court, the resolution of the charges here could affect what occurs there, and vice-versa. Accordingly, to provide effective assistance to Mr. Thomas, defense counsel requires additional time to be appointed to represent Mr. Thomas in that matter, receive and analyze discovery materials, investigate the charges, and potentially discuss with the United States the possibility of a global resolution, ultimately conserving significant judicial resources, as well as providing a benefit to Mr. Thomas.

8. Under the current circumstances, the requested continuance is the absolute minimum time necessary for the Defendant's counsel to provide effective assistance of counsel in this case.

9. The continuance of this matter will serve the ends of justice and outweigh the best interest of the public and the defendant in a speedy trial by affording the Defendant a reasonable opportunity review and consider the Government's evidence in both cases against him, and investigate those charges, as well as to negotiate and possibly enter into a plea agreement whereby his exposure may be limited, and judicial economy advanced. Accordingly, the continuance sought by the Defendant is appropriate under 18 U.S.C. §3161(h)(7)(A), (B)(iv). *See United States v. Toombs*, 574 F.3d 1262, 1268-69, 71-73 (10<sup>th</sup> Cir. 2009); *United States v. Hernandez-Mejia*, 406 Fed. Appx. 330 (10<sup>th</sup> Cir. 2011) (unpublished).

10. The Defendant agrees that the time between this motion and the date of jury selection should be excluded for speedy trial purposes under 18 U.S.C. §3161(h)(7)(A), (B)(iv).

11. AUSA Steven Briden does not oppose this motion.

WHEREFORE, Defendant moves that the Court vacate and continue the trial of this matter currently set on the November 2021 trailing docket for at least sixty (60) days and continue all pretrial deadlines until further order of this Court.

Respectfully submitted,

*/s/Donald F. Kochersberger III*

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*Attorney for Defendant Jeffrey Brent Thomas*

I HEREBY CERTIFY that on this the 2<sup>nd</sup> day of November, 2021, I filed the foregoing electronically through the CM/ECF system, which caused all counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

*Electronically Filed*

**Donald F. Kochersberger III**

Attorney for Defendant